

CFR Document 23-4 Filed 01/

2 DEPARTMENT OF MOTOR VEHICLES
ADMINISTRATIVE ADJUDICATION BUREAU

3
4 IN THE MATTER OF

5 MICHAEL R. PHILLIPS

6 Summons Number 0AC8786982
7

8 The above-entitled matter came on for
9 hearing, pursuant to Notice of the New York State
10 Department of Motor Vehicles at Manhattan South, New
11 York, on June 1, 2007 at 10:30 a.m., before the
12 Administrative Law Judge.
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1 THE ADMINISTRATIVE LAW JUDGE: All right. There's one
2 ticket issued to Michael Phillips. Ticket number zero A C
3 eight seven eight six nine eight two, Mr. Phillips is
4 charged with failure to yield to a pedestrian. He's
5 represented by counsel.

6 MR. LEVINE: Jeffrey Levine, 19 Rector, New York, for
7 the motorist. The plea is not guilty. Ready to proceed.

8 THE ADMINISTRATIVE LAW JUDGE: Officer, do you swear or
9 affirm to tell us the truth?

10 OFFICER REDLAND: I swear.

11 OFFICER REDLAND; Sworn

12 EXAMINATION/REDLAND

13 BY THE ADMINISTRATIVE LAW JUDGE:

14 Q. You do.

15 A. Yeah.

16 Q. And would you identify yourself for the record?

17 A. Yes. Officer Redland (phonetic spelling), 3rd
18 precinct, shield number four one nine two.

19 Q. Give us your statement of facts, please.

20 A. Okay. I was sitting on the northwest corner of Western
21 and West 37th and 9th Avenue on February 25th of 2007. I
22 observed the Defendant, I.D. number P three four six two
23 four four four seven, license plate C M P eight eight D,
24 driving black Chevy, 1998.

25 He was traveling through the crosswalk, the

1 intersection where it was -- it had a -- at that -- at that
2 point in the intersection, the pedestrians that were
3 crossing in the crosswalk had the walk signal. At no point
4 did the Defendant stop while crossing through the
5 crosswalk. During this time, the pedestrians had to stop,
6 taking the extra steps to let the person -- to let the
7 Defendant cross through, clearly the infraction of failure
8 to yield to a pedestrian.

9 Q. Was there anything else, Officer?

10 A. (Inaudible-1s).

11 THE ADMINISTRATIVE LAW JUDGE: Counsel, anything?

12 MR. LEVINE: I've no cross-examination but here's my
13 application. I don't believe there's a prima facie case.
14 There's no indication what street the motorist is traveling
15 on and in what direction, where the pedestrians were
16 crossing, what time the events was (inaudible-1s) facts
17 necessary to (inaudible-3s) prima facie case.

18 THE ADMINISTRATIVE LAW JUDGE: I reserve decision.

19 Do you want (inaudible-1s)?

20 MR. LEVINE: We rest.

21 THE ADMINISTRATIVE LAW JUDGE: After taking in all of
22 the evidence, I conclude this hearing.

23 I find the trooper (sic) did not make a clear and
24 convincing case in this. The Defendant is not guilty.

25 MR. LEVINE: Thank you, your Honor.